

MIRIAM TAUBER LAW

885 Park Avenue 2A • New York, NY 10075
MiriamTauberLaw@gmail.com • (323) 790-4881

October 21, 2021

Via ECF

Hon. Vernon S. Broderick, U.S.D.J. (S.D.N.Y.)
Thurgood Marshall Courthouse
40 Foley Sq., New York, NY 10007

Re: *Avalon Holdings Corp. v. Gentile*, et. al., No. 18-cv-7291-VSB;
related to: *New Concept Energy, Inc. v. Gentile*, et. al., No. 18-cv-8896-VSB:
Letter Regarding Pending Motions for Summary Judgment

Your Honor:

I am one of the attorneys representing the Plaintiffs in the above-referenced related actions pending before the Court. The Plaintiffs in both actions allege short swing trading by the same Defendants under Section 16(b) of the Securities Exchange Act, 15 U.S.C. § 78p(b).

I write to respectfully remind the Court that the parties have filed cross-motions for summary judgment, which were fully briefed as of October 5, 2020 (*see Reply Briefs, Avalon*, Dkt #90 & Dkt #91; *New Concept*, Dkt #83 & Dkt #84). As these motions have remained pending for more than six months, I respectfully submit this reminder on behalf of the Plaintiffs.

Plaintiffs' counsel are available for a conference to address the pending motions at the Court's convenience.

With all due respect,

s/ Miriam Tauber

Miriam Tauber

*Attorney for Plaintiffs
Avalon Holdings Corp. and New Concept Energy, Inc.*

cc: all counsel (via ECF)